REMARKS/ARGUMENTS

In response to the final office action of June 20, 2008, Applicants have amended the claims, which when considered with the following remarks, is deemed to place the present application in condition for allowance. Favorable consideration of claims 27-32 is respectfully requested.

In the office action of June 20, 2008, claims 28-31 have been rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner has noted that claims 28-31 depend from claim 1, which claim has been canceled. By this amendment, claims 28-31 have been amended to depend from claim 27. The Examiner has also found claim 28 allegedly indefinite due to the phrase "such as." As presently amended, claim 28 no longer recites "such as." Claim 33 is newly added and recites the subject matter canceled from claim 28. No new matter has been introduced. Withdrawal of the rejection of claims 28-31 under 5 U.S.C. §112, second paragraph, is therefore warranted.

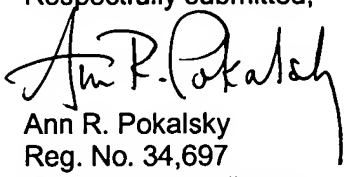
Claims 27-32 have been rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. According to the Examiner, claim 32 contains new matter. In response to the rejection, claim 32 has been amended to recite pitavastatin Ca-salt, and that the inner phase comprises 5% by weight of composition HPMC (3cps) and 18.75% weight of composition HPMC. In addition, claim 32 has been amended to indicate that the HPMC present in the outer phase is 100'000 cps and that the outer phase comprises 0.5% by weight of composition magnesium stearate. Support for the amendment may be found throughout the specification, e.g., Example 4 on pages 3-4.

By this amendment, claim 27 has been amended to indicate that the inner phase comprises 10-20% by weight of the total composition pitavastatin, 20-52% by weight of the dosage unit form microcrystalline cellulose, 1-15% by weight of the composition, stabilizer. Support for the amendment may be found throughout the specification, including e.g., on page 14, second full paragraph and final paragraph.

Accordingly, withdrawal of the rejection of claim 27-32 under the written description requirement of 35 U.S. C. §112, first paragraph, is respectfully requested.

In view of the foregoing remarks and amendments, it is firmly believed that the present application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



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